

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

SEP 1 2015

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JOSE LUIS PADILLA-MEDINA,

Defendant - Appellant.

No. 14-50364

D.C. No. 3:14-cr-00259-JLS

MEMORANDUM*

Appeal from the United States District Court
for the Southern District of California
Janis L. Sammartino, District Judge, Presiding

Submitted August 25, 2015**

Before: McKEOWN, CLIFTON, and HURWITZ, Circuit Judges.

Jose Luis Padilla-Medina appeals from the district court's judgment and challenges the 30-month aggregate sentence imposed following his guilty-plea conviction for two counts of improper entry by an alien, in violation of 8 U.S.C. § 1325. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

Padilla-Medina contends that the district court procedurally erred by manipulating the Guidelines calculation in order to impose a pre-determined sentence. We review for plain error, *see United States v. Dallman*, 533 F.3d 755, 761 (9th Cir. 2008), and find none. Padilla-Medina has not shown a reasonable probability that he would have received a different sentence absent the alleged error. *See id.* at 762.

AFFIRMED.